

SPW

PATENT APPLICATION
Docket No: 13914.889

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Dalebout et al.)	
)	
Serial No.:)	Art Unit
10/649,318)	3764
Filed:)	
August 27, 2003)	
Confirmation No.:)	
4579)	
For:)	
EXERCISE DEVICE WITH ELONGATE)	
FLEXIBLE MEMBER)	
Examiner:)	
Lori Baker Amerson)	

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of February, 2005:

- Transmittal for Supplemental Information Disclosure Statement (3 pgs.) (in duplicate)
- Supplemental Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (1 pg.)
- Credit Card Form PTO-2038 for \$180
- Postcard

Respectfully submitted,

Linda Clark, Assistant to
David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
GREGORY M. TAYLOR
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



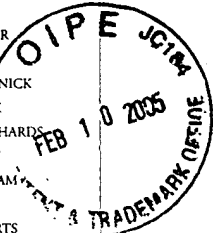
R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
RYAN N. FARR *
JAMES B. BELSHE
ALISON B. MOHR
KIRK R. HARRIS
KEELY SCHNEITER
MICHAEL M. BALLARD
DAVID A. JONES
SHANE K. JENSEN
JONATHAN M. BENNS, PH.D.

VERNON R. RICE \$
OF COUNSEL

WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM



PATENT APPLICATION
Docket No: 13914.889

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Dalebout et al.)	
)	
Serial No.:)	Art Unit
10/649,318)	3764
)	
Filed:)	
August 27, 2003)	
)	
Confirmation No.:)	
4579)	
)	
For:)	
EXERCISE DEVICE WITH ELONGATE)	
FLEXIBLE MEMBER)	
)	
Examiner:)	
Lori Baker Amerson)	

TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ____ Statement of relevance of selected cited references not in the English language which are not translated.
- ____ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ____ Statement that selected cited references were previously cited by or submitted to the earlier filing date under 35 U.S.C. § 120.

02/11/2005 RFEKADU1 00000019 10649318

* Admitted only in California
01 Admitted only in Virginia

180.00-0P

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 6 references submitted for consideration.
- ☐ Copies of the required ☐ references listed on the Form PTO-1449.
- ☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☐ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☒ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☒ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and
 - ☐ Check No. in the amount of \$ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. _____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

_____ Petition to Withdraw from Issue; and

_____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

_____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

_____ The submission fee set forth in 37 C.F.R. § 1.17(p).

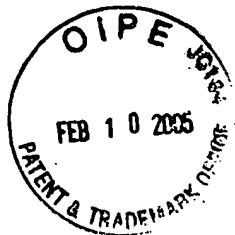
_____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 7 day of February, 2005.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800



PATENT APPLICATION
Docket No: 13914.889

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
	Dalebout et al.)	
Serial No.:	10/649,318)	Art Unit
Filed:	August 27, 2003)	3764
Confirmation No.:	4579)	
For:	EXERCISE DEVICE WITH ELONGATE FLEXIBLE MEMBER)	
Examiner:	Lori Baker Amerson)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

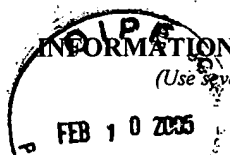
Dated this 7 day of February, 2005.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

DBD/lrc
LC0000001828V001

 <p>INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p>	Docket Number (Optional) 13914.889	Application Number 10/649,318
	Applicant(s) Dalebout, et al.	
	Filing Date August 27, 2003	Group Art Unit 3764

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	D340,487	10/1993	Traub	D21	712	
	2	D396,904	8/1998	Leu	D32	30	
	3	D478,947	8/2003	Lu	D21	662	
	4	5,810,700	9/1998	Orcutt	482	123	
	5	5,833,587	11/1998	Strong et al.	482	123	

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

1	Co-pending Design Patent Application to Jeremy T. Butler and William T. Dalebout, Serial No. 29/188,977, Filed August 27, 2003.

EXAMINER	DATE CONSIDERED
-----------------	------------------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.